

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.
SUIT No. 3088 OF 1987.

M/s. Encee Rail Linkers.

Plaintiffs.

Vs.

Raymond Jog (India) Ltd.

Defendant.

Ms. S. K. Mistry i/b L. H. Ranbhia for
Plaintiff.

Mr. J. R. Master i/b Cr. Bayley & Co. for
defendant.

CORAM: D.G. KARNIK,J.
DATED: 23RD JANUARY, 2007.

P.C.:-

1. Heard the learned Advocate for the Defendants. The defendant has not filed written statement inspite of order dated 16th August, 1988 directing it to file written statement within eight weeks.

2. The suit is a simple suit for recovery of money of the price of the goods sold. In the absence of written statement, averments in the plaint are deemed to be admitted. Considering the nature of the suit, I proceed under Order 8 Rule 10 of the Code of Civil Procedure.

3. The suit of the plaintiff deserves to be decreed under Order 8 Rule 10 of the Code of

Civil Procedure in terms of prayer clause 18 with the modification that the interest would be payable at the rate of 12% per annum instead of 21% as claimed. Hence I pass the following order:-

O R D E R:-

1. The defendant shall pay to the plaintiff a sum of Rs.1,00,000/- together with interest @ Rs. 12% per annum on the principal sum of Rs. 65,000/- together with interest at the rate of Rs. 12% per annum. The amount, if any, deposited by the plaintiff in the Court shall be appropriated firstly towards the principal and the interest would be calculated on the balance principal sum, if any, from the date of the deposit.

2. The amount , if any, deposited in the Court together with, if any, accrued interest thereon shall be paid to the plaintiff.

[D.G.KARNIK, J]